



W.P.(MD)No.20460 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.11.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.20460 of 2021

Shanmugalakshmi

... Petitioner

Vs

- 1.The District Collector,
Office of the Collectorate Building,
Thoothukudi.
- 2.The District Registrar (Admin),
Registration Department,
Thoothukudi District.
- 3.The Sub Registrar,
Office of the Sub Registrar Office,
Vilathikulam,
Thoothukudi District.
- 4.Shanmuga Sadatcharan
- 5.Muthulakshmi
- 6.Veerabagu

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent No.2 to conduct an enquiry under section 68(2) of Registration Act against the respondents No.4 to 6 as per the circular in letter No. 20217/U1/2021 dated



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09.07.2021 and passed a speaking order in respect of fraudulent document vide No.1304/2021 dated 26.04.2021 within time frame by considering the petitioner's representation dated 07.08.2021.

For Petitioner : Mr.D.S.Haroon Rasheed

For R-1 to R-3 : Mr.B.Saravanan,
Additional Government Pleader

For R-4 : Mr.R.Murugan

ORDER

This Writ Petition has been filed for the issue of writ of mandamus directing the second respondent to conduct the enquiry based on the complaint / representation made by the petitioner on 07.08.2021.

2. Heard the learned counsel on either side.

3. The case of the petitioner is that the subject property was gifted in the year 1937 in favour of one Muthusamy Reddiyar and his wife through a Document No.830 of 1937 and in this gift deed itself, it was mentioned that the property can be used only towards religious purposes and they can only act as a caretaker of the property. The grievance of the petitioner is that the fourth and fifth respondents have dealt with the property and based on a patta obtained by them, they executed a sale deed



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in favour of the sixth respondent on 26.04.2021 registered as Document No.1304 of 2021.

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4. The petitioner on coming to know of the same, made a complaint before the second respondent and sought for the cancellation of the document. Since the same was not considered, the present Writ Petition has been filed before this Court.

5. The learned Additional Government Pleader appearing on behalf of respondent Nos.1 to 3 submitted that the enquiry is now pending before the second respondent.

6. Taking into consideration the facts and circumstance of the case and also of the fact that the enquiry is now pending before the second respondent, there shall be a direction to the second respondent to proceed further with the enquiry after giving an opportunity to the petitioner and respondent Nos.4 to 6 and pass orders strictly in accordance with law within a period of three (3) months from the date of receipt of a copy of this order.



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7. This Writ Petition is disposed of with the above directions.

No costs.

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NCC:yes/no

Index:yes/no

Internet:yes/no

tsg

To

1.The District Collector,
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Thoothukudi.

2.The District Registrar (Admin),
Registration Department,
Thoothukudi District.

3.The Sub Registrar,
Office of the Sub Registrar Office,
Vilathikulam,
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N.ANAND VENKATESH, J.

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